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Executive Director



Plan Hillsborough

planhillsborough.org
planner@plancom.org

813 - 272 - 5940
601 E Kennedy Blvd
18th Floor
Tampa, FL, 33602

Meeting of the Transportation Disadvantaged Coordinating Board

Friday, June 9, 2023, 9:30 a.m. – 11:30 a.m.

County Center, 18th Floor – Plan Hillsborough Committee Room

All voting members are asked to attend in person, in compliance with Florida's Government in the Sunshine Law. Please RSVP for this meeting. Presenters, audience members, and committee members in exceptional circumstances may participate remotely.

Remote participation:

- To view presentations and participate on your computer, tablet or smartphone:
- <https://attendee.gotowebinar.com/register/122244133942590303>
- Register in advance to receive your personalized link, which can be saved to your calendar.
- Dial in LISTEN-ONLY MODE: 1-415-930-5321 Access Code: 972-071-206
- Presentations, full agenda packet, and supplemental materials [posted here](#), or phone us at 813-756-0371 for a printed copy.
- Please mute yourself after joining the conference to minimize background noise.
- Technical support during the meeting: Jason Krzyzanowski at (813) 836-7327 or JasonK@plancom.org.

Rules of engagement:

Professional courtesy and respect for others at this meeting are expected. Failure to do so may result in dismissal from the meeting. For more information on expectations for participation, please see the TPO's [Social Networking & Media Policy](#).

Agenda

- I. Call to Order**
- II. Roll Call, Declaration of Quorum, Welcome of Other TPO Board Members** (Gail Reese, TPO Staff)
 - A. Vote of Consent for Remote Member Participation – *if applicable*
- III. Public Comment** – *3 minutes per speaker, for a maximum of 30 minutes.*

Public comments are welcome and may be given during this hybrid meeting by logging into the website above and clicking the "raise hand" button. Comments may also be provided before the start of the meeting by e-mail to yeha@plancom.org. Written comments will be read into the record, if brief, and provided in full to the committee members.

IV. Approval of Minutes: April 28, 2023

V. Action Item

- A. TDCB By-Laws Review (Allison Yeh, TPO Staff)
- B. TD Grievance Procedures and Subcommittee (Allison Yeh, TPO Staff)

VI. Status Reports

- A. Updates on Fowler Avenue Studies: FDOT's PD&E, HART's Tampa Arterial BRT, & Plan Hillsborough's Vision Plan (Amber Russo or Craig Fox, FDOT/Jay Collins or Alvaro Gabaldon, Plan Hillsborough)
- B. Sunshine Line Update (Jerry Stickney, Sunshine Line Staff)
 - A. Service update
 - B. Tri-county transportation
- C. HART Update (Justin Willits, HART Staff)

VII. Old Business and New Business

- A. Next meeting August 25

VIII. Adjournment

IX. Addendum

- A. TPO Meeting Summary and Committee Reports
- B. [FDOT Resilience Action Plan for the State Highway System draft](#)
- C. Update on the City of Tampa Mobility Section
- D. Detailed Summary of the Bills that passed

The full agenda packet is available on the TPO's website, www.planhillsborough.org, or by calling (813) 272-5940.

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Persons needing interpreter services or accommodations for a disability in order to participate in this meeting, free of charge, are encouraged to contact Connor MacDonald, (813) 582-7351 or macdonaldc@plancom.org, three business days in advance of the meeting. If you are only able to speak Spanish, please call the Spanish helpline at (813) 272-5940 or (813) 273-3774 and dial 1.

Se recomienda a las personas que necesiten servicios de interpretación o adaptaciones por una discapacidad para participar en esta reunión, o ayuda para leer o interpretar los temas de esta

agenda, sin costo alguno, que se pongan en contacto con Connor MacDonald, (813) 582-7351 o macdonaldc@plancom.org, tres días hábiles antes de la reunión. Si sólo habla español, por favor llame a la línea de ayuda en español al (813) 272-5940 o (813) 273-3774 ext. 1.

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If a person decides to appeal any decision made by the board, he or she will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**HILLSBOROUGH COUNTY MEETING OF THE
TRANSPORTATION DISADVANTAGED COORDINATING BOARD
HYBRID MEETING OF APRIL 28, 2023
DRAFT MINUTES**

I. **Call Regular Meeting to Order** (*Timestamp 0:23:01*)

Officer-at-Large Schisler called the regular meeting to order at 9:54 AM.

Members Present In-Person: Councilman Gil Schisler, Glenn Brown, Mike Lacey, Artie Fryer, Craig Forsell, Tracy Noyes, Emily Hughart, Kristina Melling, Beth Pasek, Mark Harshbarger, Alexcia Wiggins, Indihra Chambers, Cassandra Blaylock

Members Present Virtually: Deborah Lekenta, John Vargas

Members Excused/ Absent: Commissioner Gwen Myers, Gloria Mills, Dr. Leslene Gordon, Kristen Thomas

Others Present: Jerry Stickney, Karen Smith (Sunshine Line); Joshua Barber, Jason Krzyzanowski, Benjamin Gordon, Allison Yeh, Amber Simmons, Elizabeth Watkins, Gail Reese (TPO Staff); Alex Henry (FDOT); Omar Alvarado, Steven Fields (HART); Sherna Wilburn (Public)

An in-person quorum has been met.

II. **Public Comment** – 3 minutes per speaker (*Timestamp 0:23:37*)

III. **Approval of Minutes** (*Timestamp 0:23:43*) – February 24, 2023

Updated attendance from February 24, 2023 minutes in the Others Present section and replaced “Jason” with “Jerry” Stickney on April 25, 2023 (by Recorder).

Glenn Brown moved to accept the February 24, 2023 minutes, seconded by Indihra Chambers. Voice vote, motion passes unanimously.

IV. **Action Item**

A. **Election of Member-at-Large** (Joshua Barber, TPO Staff) (*Timestamp 0:24:09*)

- Officer At Large – Councilmember Gil Schisler, nominated by John Vargas in January – deferred from January; nominated by Glenn Brown, seconded by Beth Pasak; no other nominations, confirmation from Councilmember Schisler on April 28, 2023.

B. **Community Transportation Coordinator (CTC) Service Rates for FY23/24** (Karen Smith, Sunshine Line) (*Timestamp 0:25:54*)

- Rate Calculation Model worksheet is required to be updated annually by the CTC; model determines the rates
- Model for the 2023/2024 grant year is proposed to be:

1. Door-to-Door Ambulatory Trip: \$38.68 per one-way trip
2. Wheelchair Trip: \$66.31 per trip
3. Group Trip (5 or more) per passenger: \$20.65 per one-way trip

Recommended Action: Approve rates and their inclusion in the TDSP update.

Artie Fryer moved to approve the CTC Service Rates and include them in the TDSP update, seconded by Craig Forsell. The voice vote passes unanimously.

Discussion:

It was asked how the \$2.6 million compared to previous years. It is about \$100 less and is based on an updated formula to calculate the rates. It was asked if the reimbursement rate will be less; no. There was a discussion about how the increase in trips and efficiency will impact the funding. It was asked if the budget stayed within the grant funding for the current year. It was asked that Sunshine Line provide the Board with efficiency statistics.

C. 2023 Transportation Disadvantaged Service Plan Update (Joshua Barber, TPO Staff) (Timestamp 0:34:08)

- Review of what the Service Plan is – last major adoption was in October 2021; this is a minor update
- Went over changes for the FY 2023 update:
 1. Summary of the results from the last CTC evaluation were included reflecting the needs and perceptions of system users (Sunshine Line and bus pass users)
 2. Clarified demographic data, particularly the analysis of age groups in Hillsborough County
 3. Updated the consistency review with the Comprehensive Plans of Hillsborough County, City of Tampa, City of Temple Terrace and City of Plant City
 4. Updated the strategies and time frame of the Implementation Plan
 5. Updated available transportation services to include TD Tampa Bay
- Staff will take input on the future directions for updating the TDSP including, but not limited to:
 1. Public Involvement
 2. Needs assessment and identification
 3. Trip priorities

Recommended Action: Approve the 2023 Transportation Disadvantaged Service Plan Update.

Indihra Chambers moved to approve the 2023 Transportation Disadvantaged Service Plan Update, seconded by Beth Pasak. The voice vote passed unanimously.

V. STATUS REPORTS

A. Sunshine Line Update (Jerry Stickney, Sunshine Line) (Timestamp 0:38:48)

- 5 new operators have been trained and are on the road; continuing with active recruitment
- Increased by 20K trips in 2022, on target for the same increase this year

- 91.8% on-time performance for April with a standard target of 98%, customer service answer rate is 98% with a 22-second hold time with a 4% increase of new clients over last year
- Focusing on outreach in the community for the services; using a targeted social media approach; have a message of the day at the call center
- Cross-county Program trips from November 2022 – March 2023: in county 33 clients with 256 trips; cross-county 43 clients with 205 trips Will reach out to PSTA to track the data further
- Have been meeting with HART
- Are preparing for hurricane season

Discussion:

It was asked if the 20K year-over-year growth is significant for Sunshine Line. Being at 54% driver capacity and the growth being door-to-door, yes. Continuing to increase the door-to-door. Increasing the group trip process and efficiency is a big push as well. The new drivers who are now on the road and the next set of drivers focus on group trips. There was discussion about the strategic plan on filling 11 driver positions as well as securing a taxi contract to fulfill long-distance trips and overflows. It was asked if there is an RFP going out for the taxi contract. Yes, looking for one contractor, but are looking at other options to complement it. It was asked where the Saturday trip reinstatement is. Looking at September to have it in line. There was discussion about the volume of trips increasing with each new driver coming online. There was discussion around transporting clients to adult day care, the compliance issues, and new drivers being focused on aging services; there was also discussion on the availability of vehicles for the new drivers. It was requested that Sunshine Line provide the board with a statistical report on their services.

B. HART Update (Omar Alvarez, HART Staff) (Timestamp 0:57:39)

Travel Training Program

- Gave an overview of the program: introduces public transportation to youth, older adults, people with disabilities, and first-time-riders. This is given by HART employees from various departments.
- Targeting bringing the program back by July 2023
- Showed examples of marketing
- Went over the training topics: anything that involves the day-to-day utilization of the transit system and the steps involved in the training
- Reviewed program successes from the past

Discussion:

It was asked how people apply and/or qualify for the program. Call in, fill out an application, then go through training. There is the cognitive assistance program which would be a full week; the new to the area which would be a day or so; then group outings with community centers such as seniors. Marketing material will be put out in June. Are identifying staff now, 2 fully dedicated and 3 additional from other departments, looking to have it revolve with employees from different departments on a volunteer basis. Local organizations will also be given an opportunity to become trainers. It was suggested that the agencies and groups represented on the TDCB promote this as well once it is released.

HART + Eligibility Program

- Went over the current process: fill out an application, have a doctor sign off, and have an appointment with HART staff at the Marion Transit Center for an additional interview.
- Working on streamlining the process to end it when a medical professional approves the application.

Discussion:

It was noted that Melissa Sanchez in customer service has been providing excellent service. It was asked that HART increase communication with Sunshine Line as routes are being adjusted. That is already in the plan ahead of the service changes.

Follow-up from Complaint in February meeting (Steven Fields, HART)

- Started with an apology to the customer
- Went over the process and actions that occurred resulting in the customer missing an important training experience.
- There was a miscommunication in stop location, distance, and route number change.
- Are going to continue to work with the CSRs on better trip planning and to ask more probing questions to the customers to improve route planning.

VI. OLD BUSINESS & NEW BUSINESS (Timestamp 1:18:38)

A. Next meeting: June 23, 2023 at 9:30 AM

B. Joshua Barber announced that this was his last TDCB meeting as he has taken a new position out of state.

VII. ADJOURNMENT – adjourned at 10:54 AM



Hillsborough TPO Transportation Planning Organization

Board & Committee Agenda Item

Agenda Item:

TDCB By-Laws Review

Presenter:

Allison Yeh, AICP, TPO Staff

Summary:

The Florida Commission for the Transportation Disadvantaged requires Local Coordinating Boards (LCBs) to annually review and (re)adopt their bylaws. The Transportation Disadvantaged Coordinating Board (TDCB) is Hillsborough County's designated LCB and a subcommittee of the Hillsborough TPO. The LCB Bylaws establishes the formal procedures for the TDCB activities including membership, staff, board duties, and subcommittees, communication with other organizations. The Bylaws of all the TPO Committees are incorporated into the TPO Bylaws.

Recommended Action:

Review and (re)approve the LCB Bylaws

Prepared By:

Allison Yeh, TPO Staff

Attachments:

[TPO Bylaws](#)



Plan Hillsborough
planhillsborough.org
planner@plancom.org
813 - 272 - 5940
601 E Kennedy Blvd
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Hillsborough TPO Transportation Planning Organization

Board & Committee Agenda Item

Agenda Item:

TDCB Grievance Procedures and Subcommittee

Presenter:

Allison Yeh, AICP, TPO Staff

Summary:

The Transportation Disadvantaged Coordinating Board is required to review and approve its Grievance Procedures annually. To ensure quality control of the Transportation Disadvantaged (TD) system and to provide participating users, funding agencies, and transportation providers with an impartial body to hear complaints and make recommendations on disputes concerning services rendered, the TDCB creates the Hillsborough County Transportation Disadvantaged Grievance Procedures and a Grievance subcommittee.

The TDCB's Grievance Procedures are also found in Section 4.3 of the Transportation Disadvantaged Service Plan. The procedures include establishing a subcommittee, membership, powers, and duties.

Members of the Grievance Subcommittee shall be appointed by the Chairman of the Hillsborough County TDCB and shall be composed of five voting members of the TDCB as follows:

- a. One user of transportation services,
- b. One representative of a recognized disabled group, and
- c. Three representatives of the LCB at-large

Currently, the following members serve as the Grievance subcommittee: Gloria Mills, Mark Harshbarger, Craig Forsell, Nancy Castellano, and John Vargas. Members serve a 2-year term. All members were appointed in April 2021 except Mr. Vargas who was appointed in June 2022 and will need to be reappointed.

Recommended Action:

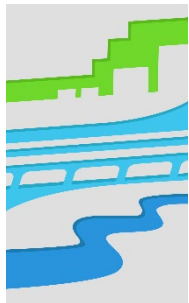
Approve the Grievance Procedures and (re)-appoint or appoint new members to the Grievance Subcommittee

Prepared By:

Allison Yeh, TPO Staff

Attachments:

Grievance Procedures 2023



Plan Hillsborough
planhillsborough.org
planner@plancom.org
813 - 272 - 5940
601 E Kennedy Blvd
18th floor
Tampa, FL, 33602

GRIEVANCE PROCEDURES 2023

HILLSBOROUGH COUNTY TRANSPORTATION DISADVANTAGED
COORDINATING BOARD

601 E. KENNEDY BLVD.
18TH FLOOR
TAMPA, FLORIDA 33602

APPROVED: JUNE 9, 2023

Hillsborough County Transportation Disadvantaged Board (TDCB) Grievance Subcommittee Policy and Procedures

Grievance Subcommittee Policy and Procedures

The TDCB created a Hillsborough County Transportation Disadvantaged Grievance Subcommittee. This subcommittee develops rules and procedures to ensure quality control of the TD Coordinated System and to provide participating users, funding agencies, and transportation providers with an impartial body to hear complaints and make recommendations on disputes concerning services rendered.

Section 1: Creation of Board

1.01 There is hereby created and established a Hillsborough County Transportation Disadvantaged Grievance Subcommittee, hereinafter referred to as Grievance Subcommittee, a subcommittee of the TDCB, as specified pursuant to Chapter 427, F.S., and Rule 41-2, Rules of the State of Florida and Operations Plan 2c of the Memorandum of Agreement (MOA) between Hillsborough County and the CTD.

Section 2: Definitions

2.01 As used in these Rules and Procedures, the following words and terms shall have the meanings assigned herein:

- a) CTC: Board of County Commissioners (BOCC) of Hillsborough County of the State of Florida.
- b) TDCB: Entity appointed by the Hillsborough County Transportation Planning Organization (TPO) that provides assistance to the CTC relative to the coordination of transportation service.
- c) Funding Agency: Those agencies which have a funding contract with the CTC for transportation services for the TD.
- d) TPO: The Hillsborough County TPO, an organization responsible for carrying out transportation planning and staffing the TDCB.
- e) Program Manager: The individual responsible for the operation of the transportation program for the transportation provider.
- f) Transportation Provider: The entity providing transportation services for the TD whether it be the County or private non-profit or private for-profit providers.
- g) TD (User): Those persons who because of physical or mental disability, income status or age, or who for other reasons are unable to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, and other life sustaining activities.

- h) CTD: Entity responsible for fostering the coordination of transportation services statewide provided to the TD.

Section 3: Objective

3.01 The objective of the Grievance Subcommittee shall be to develop rules and procedures to ensure quality control and to provide participating users, funding agencies, and transportation providers with an impartial body to hear complaints and make recommendations on disputes concerning services rendered.

Section 4: Membership

4.01 Members of the Grievance Subcommittee shall be appointed by the Chairman of the TDCB and shall be composed of five voting members of the TDCB as follows:

- a) One user of transportation services,
- b) One representative of a recognized disabled group, and
- c) Three representatives of the TDCB at-large.

4.02 The designated representative of the CTC, charged with responsibility of overseeing the TD program, shall be an advisory member of the Grievance Subcommittee. The Hillsborough County TPO shall staff the Grievance Subcommittee.

Section 5: Terms of Members

5.01 The members of the Grievance Subcommittee shall serve a 2-year term.

5.02 A member of the Grievance Subcommittee may be removed for cause by the Chairman of the TDCB. Vacancies in the membership of the subcommittee shall be filled in the same manner as the original appointments. An appointment to fill a vacancy shall only be for the remainder of the unexpired term being filled.

5.03 The Grievance Subcommittee shall elect a chairperson and a vice chairperson at the first scheduled meeting of each year who shall serve for one year.

5.04 A quorum (three voting members) shall be present for any official action. In the event of a tie vote, the chairperson shall then have the deciding vote. Meetings shall be held at such times as the Grievance Subcommittee may determine.

5.05 No voting member will have a vote on an issue that is deemed a conflict of interest.

Section 6: Grievance Procedures

6.01 Grievance procedures will be those as specified by the Grievance Subcommittee as set forth below.

6.02 Complaints that emanate from continued tardiness; driver behavior; passenger discomfort; irregularities in the system of delivery; or decisions made to deny, reduce, or terminate services constitute grievances for users or funding agencies. Complaints about charges or billing constitute grievances by a funding agency or transportation provider. Other complaints can be heard at the discretion of the Grievance Subcommittee.

6.03 Clients or funding agencies shall contact the CTC Program Manager verbally, or in writing, in an attempt to resolve the complaint following the procedures of his/her agency.

6.04 If this effort is not successful, the grievant may present their grievance to the Grievance Subcommittee by securing a grievance form (Figure 4-1) from the program managers of the transportation providers in care of the Hillsborough County TPO. The client will also be advised about the CTD Ombudsman Program.

6.05 Upon receipt of the grievance form, the TDCB chairperson shall, within 15 working days, contact Grievance Subcommittee members and the CTC Program Manager to set a grievance hearing date and location.

The grievance may also be sent to:

CTC Ombudsman Program
605 Suwannee Street, MS-49
Tallahassee, FL 32399-0700
1-800-983-2435
1-800-648-6084 (TTY)
www.dot.state.fl.us/ctd

6.06 The grievant and all parties involved shall be notified at least seven working days prior to the hearing date by certified mail; return receipt requested.

Section 7: Powers and Duties of the Grievance Subcommittee

7.01 The Grievance Subcommittee shall have the power to hold hearings, conduct investigations, and take testimony in all matters relating to complaints or grievances brought before the subcommittee by a user, funding agency, or transportation provider.

7.02 Each party, at their own expense, shall have the right to be represented by counsel, to call and examine witnesses, to introduce exhibits, and to examine opposing witnesses on any relevant matter. Information presented at the grievance hearing that is irrelevant, immaterial, or unduly repetitious will be excluded from consideration. All other information of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs will be admissible. The Grievance Subcommittee will determine whether the information presented is relevant to the hearing and that decision is final.

7.03 The Grievance Subcommittee shall review the material presented and make recommendations to all parties involved and the TDCB within 15 working days. The said notice shall be sent to all parties by certified mail; return receipt requested.

7.04 The CTC shall, within 15 working days from the receipt of the recommendations, address in writing the Grievance Subcommittee's recommendations, and send them to the TDCB staff.

7.05 The Grievance Subcommittee will report the CTC's response to the full TDCB at their next scheduled meeting.

7.06 All meetings and hearings shall be open to the public.

7.07 Minutes shall be kept at each hearing and filed with the TDCB staff, in care of the Hillsborough County TPO, and shall be public record.

7.08 If the grievance cannot be resolved pursuant to the procedures set forth, the grievant may notify the local TDCB, who shall recommend solution(s).

7.09 If the local TDCB cannot resolve the grievance, the grievant may appeal it to the Hillsborough County TPO, who shall recommend solution(s).

7.10 Any appeals to the recommendations of the Grievance Subcommittee, the TDCB, or the Hillsborough County TPO must be filed with their staff within 60 days of the latest hearing decision. The appeal will be filed to Hillsborough County TPO/TDCB staff by certified mail; return receipt requested.

7.11 Upon receipt of an appeal, Hillsborough County TPO/TDCB staff shall, within 15 working days, request an appeal hearing date from the appropriate party and notify relevant individuals.

7.12 Any person or entity aggrieved by the decision of the TDCB or the Hillsborough County TPO may appeal in any manner provided by law.

7.13 At any time during the process, the grievant may present the grievance to the CTD through its Ombudsman Program.

Section 8: Notification Procedures

8.01 The CTC and transportation subcontractors (including coordination contractors) must make a written copy of their grievance procedures and rider policies available to anyone upon request.

8.02 The CTC and transportation subcontractors (including coordination contractors) must post the contact person and telephone number for access to information regarding reporting service complaints or filing a formal grievance in each of their vehicles in plain view of the riders.

**HILLSBOROUGH COUNTY
TRANSPORTATION DISADVANTAGED COORDINATING BOARD
GRIEVANCE FORM**

Name: _____ Date: _____

Address: _____ Telephone: _____

Description of incident and steps taken to resolve complain:

(The description must at a minimum include the nature of the alleged complaint, the transportation provider involved and the date(s), time(s), and place(s) where the incident(s) occurred. Please use additional sheets if needed.)

Description of relief desired:

Signature: _____

OFFICIAL USE ONLY

Date Chairperson Received Report: _____

Date Presented to Grievance Board: _____

Recommendation:

Date Parties Notified of Results:

Return form to:

**Transportation Disadvantaged Coordinating Board
P.O. Box 1110
Tampa, FL 33601-1110
(813) 272-6255 (fax)
Attn: TD Planner**



Hillsborough TPO Transportation Planning Organization

Board & Committee Agenda Item

Agenda Item:

Updates on Fowler Avenue Studies: FDOT's PD&E, HART's Tampa Arterial BRT, & Plan Hillsborough's Vision Plan

Presenters:

Amber Russo or Craig Fox, FDOT/Jay Collins or Alvaro Gabaldon, Plan Hillsborough

Summary:

There are multiple transportation and land use studies in progress in the Fowler Avenue corridor. They include the Florida Department of Transportation's (FDOT) Project Development and Environment Study (PD&E), Plan Hillsborough's Vision Plan, and Hillsborough Transit Authority's Tampa Arterial Bus Rapid Transit (BRT) study. These studies are closely coordinated.

Staff will give an update on their respective studies as a follow-up from the introductory presentations given earlier this year and in late 2022.

For more information see the project websites:

- FDOT's Fowler PD&E - <https://www.fdotd7studies.com/projects/fowler-florida-to-56th/>
- HART's Tampa Arterial BRT - <http://gohart.org/Pages/brt-arterial.aspx>
- Plan Hillsborough's Fowler Avenue Vision Study - <https://planhillsborough.org/fowler-avenue-vision-study/>



Recommended Action:

None, for information only.

Prepared By:

Elizabeth Watkins, TPO

Attachments:

1. Fowler PD&E Alternatives Public Workshop Newsletter
2. [Presentation Slides](#)

Plan Hillsborough
planhillsborough.org
planner@plancom.org
813 - 272 - 5940
601 E Kennedy Blvd
18th floor
Tampa, FL, 33602

Fowler Avenue/State Road 582

Project Development & Environment (PD&E) Study

From N. Florida Avenue to West of N. 56th Street
Hillsborough County | WPI Segment No. 448505-1



Newsletter 2 | Alternatives Public Workshop | MAY 2023

ALTERNATIVES PUBLIC WORKSHOP

June 15, 2023
5:30 p.m. to 7:30 p.m.

In-Person Session
University Mall
(2nd Floor)
2200 E. Fowler Avenue
Tampa, FL 33612

Register for
Virtual Session:

<https://www.fdot7studies.com/projects/fowler-florida-to-56th/>

JOIN THE CONVERSATION
about the
Fowler Avenue
PD&E Study

We want your comments
and suggestions.

HAVE QUESTIONS?

We're here to help.
Give us a call, send us
an email, or let us come
speak to your group:

Amber Russo, P.E.
Project Manager
FDOT - District Seven
11201 N. McKinley Drive
Tampa, FL 33612

Amber.Russo@dot.state.fl.us

(813) 975-6260
(800) 226-7220

or
- Media Inquiries -

Kris Carson
Public Information
Officer
FDOT - District Seven
11201 N. McKinley Drive
Tampa, FL 33612

Kristen.Carson@dot.state.fl.us

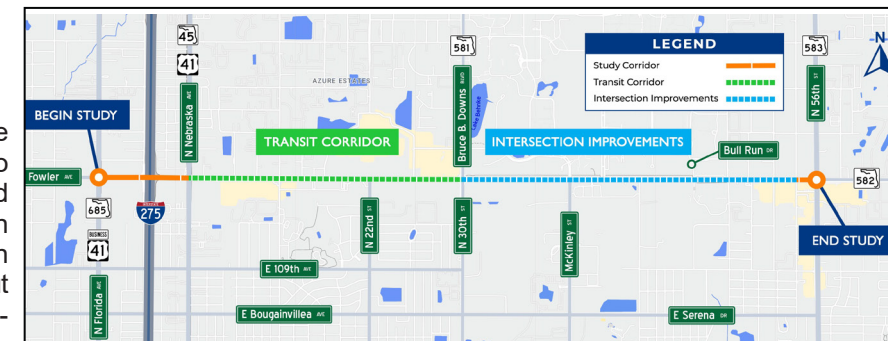
(813) 975-6060
(800) 226-7220

Dear Property Owner and/or Interested Citizen:

The Florida Department of Transportation (FDOT) District Seven invites you to attend and participate in the Fowler Avenue (State Road 582) from North Florida Avenue to west of North 56th Street Project Development and Environment (PD&E) Study Alternatives Public Workshop on June 15, 2023 at the University Mall (2nd Floor) located at 2200 E. Fowler Avenue, Tampa, Florida from 5:30 p.m. to 7:30 p.m. The purpose of the study is to evaluate transit oriented alternatives from Nebraska Avenue to Bruce B. Downs (BBD) Boulevard and innovative intersection improvements from BBD Boulevard to west of N. 56th Street. The transit corridor from Nebraska Avenue to BBD Boulevard would reconfigure Fowler Avenue to include one of three transit alternatives:

- Business Access and Transit Lane
- Frontage Lane
- Median Guideway

Innovative intersections were analyzed from BBD Boulevard to west of N. 56th Street, but found to not be feasible. Intersection as well as bicycle and pedestrian safety is being studied throughout the project limits including mid-block crossings.



This notice is being sent to all property owners (pursuant to F.S. 339.155) within at least 500 feet of the edge of right-of-way of the proposed project, as well as to public officials, regulatory agencies, organizations and individuals interested in the project.

The Alternatives Public Workshop is being offered in-person and with an option to attend online to present information to and receive public input from interested persons regarding the proposed improvements. Citizens who choose to attend the virtual workshop session must do so through a computer, tablet or smartphone via GoToWebinar. Virtual attendees must register online at the project website or from your mobile device you can scan the QR Code in this newsletter. Virtual online attendees should use the sign-in link emailed to them after registering. Starting at 5:30 p.m., attendees will be able to view materials online and ask questions to FDOT staff through the GoToWebinar question box. Team members will be available virtually to assist with questions and/or concerns.

The workshop will consist of an informal, open house format. No formal presentation will be given. There will be a short video presentation discussing general project details which will run continuously throughout the workshop. You can attend anytime during the two-hour meeting to review project information and talk one-on-one with project team members. Design concepts and other project information will be available at the in-person workshop session and for review online on the project website starting on Monday, June 12, 2023. The same materials will be presented for the in-person and virtual formats. Written comments may be submitted at any time during the workshop, or mailed back to the preprinted address on the back of the form. To be included in the official public workshop record, please postmark by Monday, June 26, 2023. Comments may also be submitted by visiting the project website.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. Section 327, and a Memorandum of Understanding dated May 26, 2022, executed by the Federal Highway Administration and FDOT.

Sincerely,

Kirk Bogen, P.E.
Environmental Management Engineer

Florida Department of Transportation, District Seven
11201 N. McKinley Drive, MS 7-500
Tampa, FL 33612-6456
ATTN: FOWLER AVENUE PD&E STUDY (WPI Segment No. 448505-1)



If you have any questions about the project or scheduled workshop, please contact: Amber Russo, P.E., Project Manager at (813) 975-6260 or amber.russo@dot.state.fl.us or visit the project website: <https://www.fdot7studies.com/projects/fowler-florida-to-56th/>

We want your input.

Project Schedule

Project Kick-off	April 2022
Data Collection & Existing Conditions	Ongoing
Alternatives Development & Evaluation	Underway
Alternatives Public Workshop	June 15, 2023
Public Hearing (If Necessary)	Spring 2024
Finalize Study Documents (If Necessary)	Summer 2024
Study Approval (If Necessary)	Fall 2024

Project Funding

FDOT Five-Year Tentative Work Program Fiscal Years 2023/24 - 2027/28

Design*	Right of Way	Construction*
FY 2023/24	Pending	FY 2025/26

* Funded under FDOT WPI Segment No. 445652-1

For more information visit the project website at:
<https://www.fdot7studies.com/projects/fowler-florida-to-56th/>

Get Involved Today!

We invite you to get involved? The public plays an important role in the project development and decision making process of this study. Opportunities for you to provide your input will be available throughout the study by means of submitting comments or attending/hosting public meetings. There are several ways to get involved - call, write, or email us. Details on how to provide your input and attend the Alternatives Public Workshop are included in this newsletter. You can also invite us to speak at one of your own meetings.

Non-Discrimination

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) should contact **Roger Roscoe**, Title VI Coordinator, at Roger.Roscoe@dot.state.fl.us, by telephone at (813) 975-6411 or toll-free at (800) 226-7220, or by written correspondence at least (7) days prior to the workshop to the Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, MS 7-500, Tampa, FL 33612.

Comuniquese Con Nostros

Si usted tiene preguntas o comentarios, o si simplemente desea más información sobre este proyecto, favor de ponerse en contacto con nuestro representante, el señor **Manuel Flores**, al teléfono (813) 975-4248 o correo electrónico: Manuel.Flores@dot.state.fl.us.

Evaluation Matrix

An evaluation matrix comparing the No-Build and Build Alternatives is shown below. This matrix compares preliminary cost estimates (right-of-way acquisition, wetland mitigation, engineering and construction), as well as natural, physical, and social environmental factors.

	No-Build Alternative	BAT Lane	Frontage Lane	Median Guideway
Potential Right-of-Way Impacts				
Number of Businesses Relocations	0	0	0	0
Number of Businesses and Residences	0	0	0	0
Additional Right-of-Way for Roadway/Ponds (acres)	0	0.01	1.47	0.01
Potential Environmental Effects				
Archaeological Sites and Historic Resources	0	MED	MED	MED
Section 4(f) Sites	0	NO	NO	NO
Wetlands	0	LOW	LOW	LOW
Surface Waters	0	LOW	LOW	LOW
Floodplains (Potential for Encroachment)	0	LOW	LOW	LOW
Threatened & Endangered Species	0	NO	NO	NO
Noise	0	LOW	LOW	LOW
Contamination Sites	0	LOW	MED	LOW
Estimated Costs (in millions)				
Right-of-Way Acquisition ¹	\$0.00	TBD	TBD	TBD
Wetland & Surface Water Mitigation	\$0.00	\$0.00	\$0.00	\$0.00
Construction Engineering and Inspection (8%)	\$0.00	\$1.90	\$2.45	\$3.04
Design (7%)	\$0.00	\$1.60	\$2.15	\$2.66
Construction	\$0.00	\$19.50	\$26.10	\$32.30
Preliminary Estimate of Total Costs	\$0.00	\$23.00	\$31.00	\$38.00

¹ Right-of-Way for stormwater management facilities, floodplain compensation sites, and intersection improvements and at Fowler Avenue and Nebraska Avenue.

What is a PD&E Study?

A PD&E Study is a comprehensive study that evaluates social, economic, and environmental effects associated with the proposed transportation improvements so that the FDOT can reach a decision on the type, location, and conceptual design to meet the project's proposed purpose and need. Engaging the public by sharing and receiving information is a key component of this process and is required by the National Environmental Policy Act (NEPA).

Traffic & Crash Data

Crash data along Fowler Avenue within the project limits was obtained from the FDOT crash records database from the 5-year period from 2015 through 2019 with Hillsborough County. A total of 3,320 crashes occurred within the corridor resulting in 9 fatalities and 46 incapacitating injuries. Of these crashes, 120 involved a bicycle or pedestrian resulting in the 9 fatalities and 17 incapacitation injuries. 56% of all the crashes within the corridor were rear-end crashes and 20% were angle and left turn crashes. In 2022, annual average daily traffic (AADT) in the corridor ranged from 20,000 vehicles per day (vpd) to 62,000 vpd. In 2045 under the build condition, AADT is expected to range from 30,000 vpd to 68,500 vpd. The proposed improvements include transit alternatives and intersection and bicycle and pedestrian improvements.

Project Description

The Fowler Avenue PD&E Study is evaluating the accommodation of transit alternatives from Nebraska Avenue to BBD Boulevard and intersection improvements from BBD Boulevard to west of N. 56th Street. The transit corridor from Nebraska Avenue to BBD Boulevard would reconfigure Fowler Avenue to include one of three transit alternatives:

- Business Access and Transit Lane
- Median Guideway
- Frontage Lane

Intersection and bicycle and pedestrian safety is also being studied throughout the project limits. Innovative intersections were analyzed from BBD Boulevard to west of N. 56th Street, but were found to not be feasible.

The No-Build Alternative assumes no improvements would be made to Fowler Avenue within the project limits except routine maintenance. The No-Build alternative remains a viable alternative throughout the PD&E Study process.

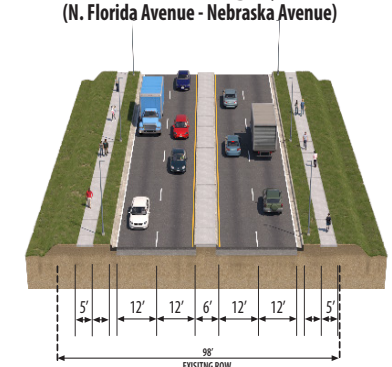
Study Purpose

The purpose of this project is to address safety, accommodate transit options, and improve multi-modal accommodations along Fowler Avenue for all users.

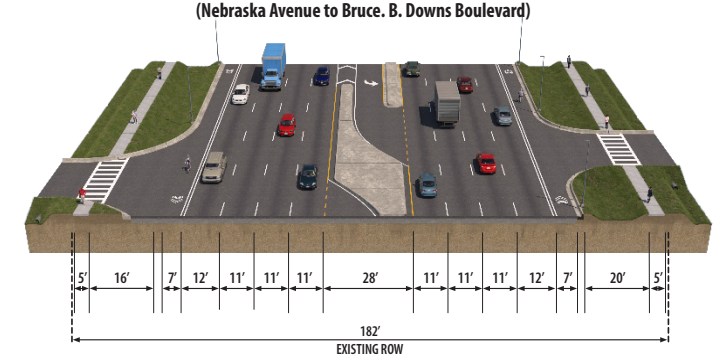
Existing Conditions

Fowler Avenue is currently a four-lane facility from N. Florida Avenue to Interstate 275, an eight-lane divided facility between Nebraska Avenue (US 41) and BBD Boulevard (County Road 581)/N. 30th Street and six-lanes divided elsewhere. Sidewalks exist throughout the project limits. The posted speed limit in the corridor varies from 40 miles per hour (mph) to 45 mph.

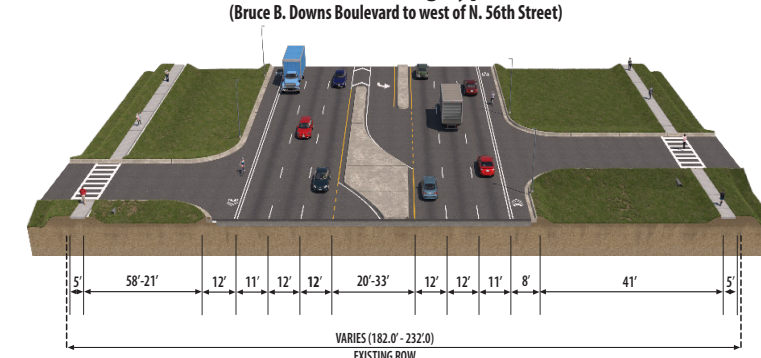
Fowler Avenue Existing Typical Section (N. Florida Avenue - Nebraska Avenue)



Fowler Avenue Existing Typical Section (Nebraska Avenue to Bruce B. Downs Boulevard)

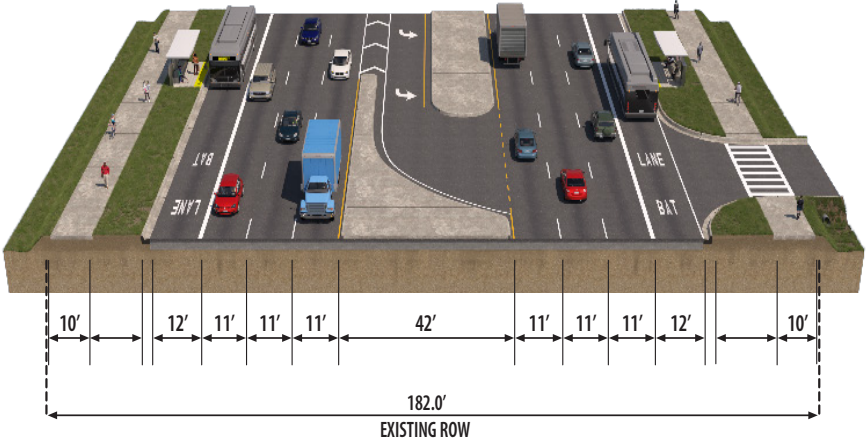


Fowler Avenue Existing Typical Section (Bruce B. Downs Boulevard to west of N. 56th Street)



Transit Alternatives

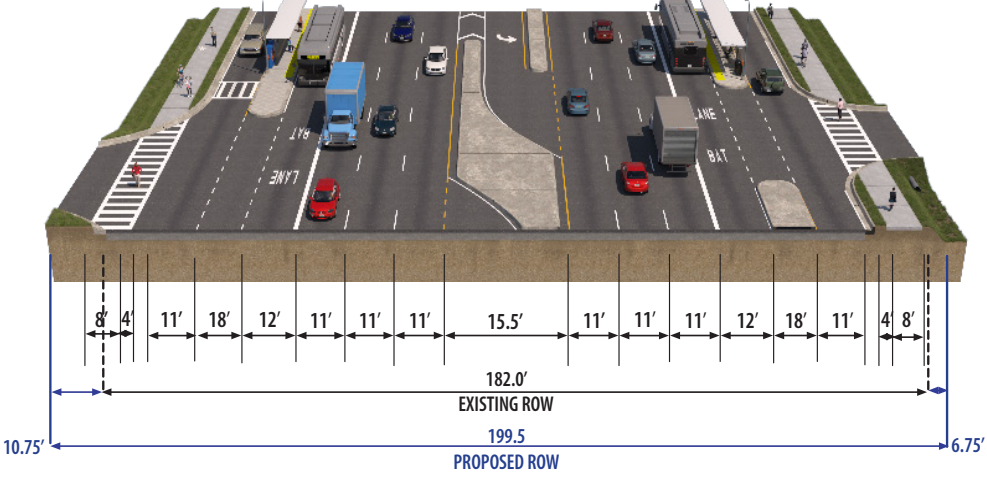
BAT Lane Alternative



Business Access & Transit (BAT) Lane

- Transit Vehicles can make through movements
- General purpose vehicles can make right turns into driveways and at intersections
- General purpose vehicles are NOT allowed to make through movements

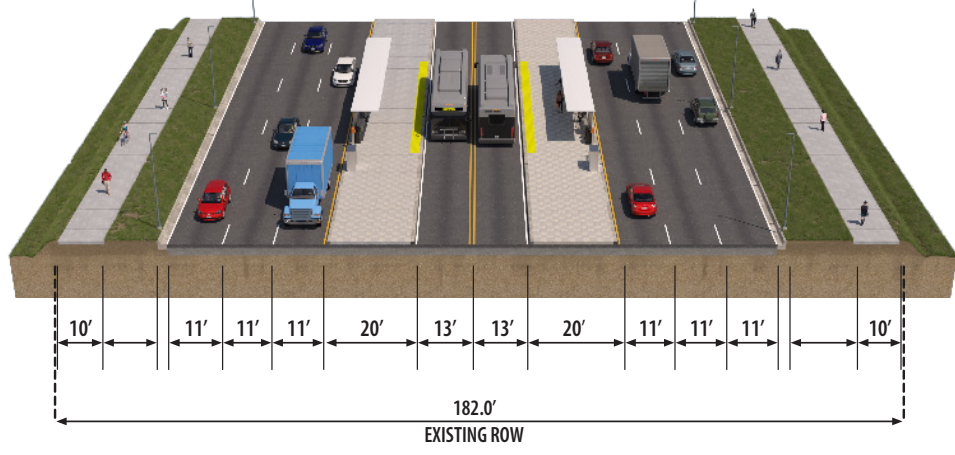
Frontage Lane Alternative



Frontage Lane

- Parallel and separate from Fowler Ave mainline for access to/from businesses
- Bus in outside lane of mainline
- Enter/Exit at appropriate locations
- Sidewalks for bicyclists and pedestrians

Median Guideway Alternative



Median Guideway

- Located within the median
- Stops/Stations located at or near intersections
- Median U-turns allowed at designated locations



Instructions for attending the Alternative Public Workshop

Interested Persons can attend the Alternative Public Workshop in-person or virtually. The same materials will be presented for both formats.

Pre-registration is required for the virtual format. Registration is available online at the project website: <https://www.fdot7studies.com/projects/fowler-florida-to-56th/> or from your mobile device, or you can scan the QR code to the right.



If you have any questions or issues registering, please contact Amber Russo, P.E., FDOT Project Manager at (813) 975-6260 or Amber.Russo@dot.state.fl.us

How to Attend In-Person

In-Person Alternatives Public Workshop will be held at:
University Mall (2nd Floor)
2200 E. Fowler Avenue, Tampa, FL 33612
5:30 p.m. to 7:30 p.m.

1. Enter the mall property and proceed to the parking garage on the north and west sides of the mall. Enter the mall from the 2nd floor of the parking garage. Upon entering the mall, turn right at the first aisle and follow the signs to the food court and venue space.



2. Upon arrival, please sign-in.
3. During the Workshop, a repeating informational presentation will be shown and project displays will be available for review. Team members will be on-site to assist with questions and/or concerns.

How to Attend Virtually

The Virtual Alternatives Public Workshop Session will be held through: GoToWebinar
(login information will be emailed after registering)
5:30 p.m. to 7:30 p.m.

1. Pre-registration is required for the virtual format. Registration is available online at: www.fdot7studies.com/projects/fowler-florida-to-56th/ or from your mobile device, or you can scan the QR Code above.
2. Virtual online attendees should use the sign-in link emailed to them after registering.
3. Attendees will be able to view materials online and ask questions to FDOT staff through the GoTo "Questions" box. Team members will also be available virtually to assist with questions and/or concerns.

There are many ways to submit your comment

- Submit your comments through the project website on the "Send Us Your Comments Page": www.fdot7studies.com/projects/fowler-florida-to-56th/send-us-your-comments/
- Complete a comment form and drop it in the comment box in-person at the Workshop.
- Mail comments to the address listed on the back. Please postmark by June 26, 2023.

Persons wishing to submit written statements or other exhibits, may do so by mailing them to Kirk Bogen, P.E., Environmental Management Engineer, FDOT District Seven, 11201 N. McKinley Drive MS 7-500, Tampa, FL 33612, or provide them on the "Send Us Your Comments" page on the project website above.

Fold Here

Postage
Here

Florida Department of Transportation - District Seven
Attn: Kirk Bogen, PE, Environmental Management Engineer
11201 N. McKinley Drive, MS 7-500
Tampa, FL 33612

Fold Here

**HILLSBOROUGH TRANSPORTATION PLANNING ORGANIZATION BOARD
HYBRID MEETING MAY 10, 2023
DRAFT MINUTES**

I. Call to Order, Pledge of Allegiance_*(Timestamp 0:05:38)*

Chair Myers called the meeting to order at 9:00 AM and led the pledge of allegiance. The meeting was held in person and virtually via WebEx.

II. Roll Call_ (Gail Reese, TPO Staff) *(Timestamp 0:00:00)*

The following members were present in person: Commissioner Gwen Myers, Councilmember Gil Schisler, Commissioner Michael Owen, Commissioner Joshua Wostal, Commissioner Harry Cohen, Councilmember Alan Clendenin, Councilmember Guido Maniscalco, Mayor Nate Kilton, Charles Klug, Bob Frey, Scott Drainville, Steven Bernstein

The following members were present virtually: School Board Member Jessica Vaughn, Joe Lopano

The following members were absent/excused: Commissioner Pat Kemp

A quorum was met in person.

A. Vote of Consent for Remote Member Participation.

Councilmember Maniscalco moved to allow remote participation, seconded by Councilmember Schisler; the voice vote passed unanimously.

III. Recognition of Councilmember Citro for TPO Board Service (Beth Alden, Executive Director) *(Timestamp 0:08:15)*

- Mr. Citro said a few words and expressed thoughts for the TPO Board going forward.

IV. Approval of Minutes_ *(Timestamp 0:11:14)* – April 12, 2023.

Chair Myers sought a motion to approve the April 12, 2023 minutes. Councilmember Maniscalco so moved, seconded by Commissioner Cohen; the voice vote passed unanimously.

V. Public Comment on Agenda Items *(Timestamp 0:11:28)* (30 minutes total, with up to 3 minutes per speaker) Additional comments made via [Social Media](#) and [Email](#) can be found at the end of these minutes.

- **Rick Fernandez** – Comments related to the Merger MOU and TPO Executive Director Search. Noted that there has been a lack of transparency on these topics. The CAC has been left out of both of these items. The suggestion that a CAC member be appointed to the interview committee has not been acted on. The TPO/MPO Merger MOU has not come before the CAC. Referenced email comments submitted. Stands in opposition to the merger, Article 2,

Paragraph A is alarming. The language intends to investigate to reach a goal. The public needs to be involved in this process.

- **Chris Vela** – Opposes the merger. There is already a regional board with the Regional Planning Council. The Planning Commission has an interlocal board for planning along the river. The county doesn't need a regional board to make decisions, it is not required by law. The SCTPA is already a regional board recognized by the state. If the merged MPO is created, it is a big government and Hillsborough County taxpayers will be funding regional projects. Noted the expansion in Orlando and the contractors that go to offshore banks to fund projects against taxpayer money. Toll lane projects do not break even until much later in time. TBART and TBARTA have both voted to dissolve themselves. A regional board is not necessary to get into interlocal agreements for regional projects.
- **Mike Drapak** – Recent transplant to Hillsborough County. Chose Hillsborough County because of the meticulous planning that distinguishes it from neighboring counties. Came from Chicago and Tampa was the best fit. Encouraged the TPO Board to stand against the merger. The state legislature's move to control the prioritization of major roads over local projects could have a major impact. Local decision-making power will go to a board made up of elected officials from other counties. There is a sparse precedent of de-designating an MPO. This should be a red flag. The speaker brought up several questions about the report directed to be written and submitted. It was noted that this is a fiscal burden after a local referendum has already been defeated.

VI. Committee Reports & Advance Comments (Rick Fernandez, CAC Chair and Gena Torres, TPO Staff) *(Timestamp 0:22:33)*

A. CAC – May 3, 2023 (Rick Fernandez, CAC Chair)

- Action Items
 - TIP Amendments on the TPO Board agenda today. Inquired whether the improvements will accommodate dedicated transit. Staff was able to provide the Mobility Plan to clarify the details of this project. Straw Poll passed 11 – 0
 - UPWP Straw Poll passed 11 – 0
 - Annual Certification of Metropolitan Transportation Planning Process. TPO Staff received praise for contributions to the planning profession and notable achievements; concern was expressed over the absence of any mention regarding the nation's leading traffic death tolls.
 - Draft CAC Resolution Regarding Partner Agency in the Committee Process - deferred
- Status Reports
 - Hillsborough County Truck Route Plan Update and 2050 Freight and Goods Movement Technical Memo
 - Draft FY24-28Transportation Improvement Program Update
- The June meeting of the CAC will be extended to 3 hours to allow for sufficient time to review the TIP. The July meeting will be converted from an optional social meeting to a business meeting to discuss the Coast and Revenue details Needs Assessment.

Other Committee Reports

Regarding today's Board action items, in addition to the CAC comments, the Technical Advisory Committee approved:

- **TIP Amendment for Tampa & Florida Corridor Improvements**
 - Members inquired about lane widths, users allowed in the Bus only lane, and the timing between the interim and final condition.
- **Unified Planning Work Program Update and Amendment**
- **Annual Certification of Metropolitan Transportation Planning Process**

Many other great presentations were heard

- US41/CSX Grade Separation PD&E is also on your agenda today
- Updates were given on preparations for the 2050 Long Range Plan:
- The BPAC heard about the proposed US Bicycle Route 15
- The Transportation Disadvantaged Coordinating Board approved the Community Transportation Coordinator Service Rates and the 2023 Transportation Disadvantaged Service Plan

B. Public Comments Received Through Email & Social Media (Gena Torres, TPO Staff).

- Facebook
 - Presumably in regard to the TIP item on Florida/Tampa project, there was a comment from **Mike LaMarca** requesting a bike lane or sharrows to not force bicycles to use a sidepath. Without proper access control, a sidepath puts bicyclists in danger.
 - **Michelle Cookson** posted that she remains opposed to the merger and the MOU to establish a multi-county Regional MPO. We need local representation that is responsive to Hillsborough County's unique geography, growth and mobility needs. She is concerned for the jobs and careers of our planning professionals on the Hillsborough TPO, and the work they have in progress. She added we don't need surrounding counties ganging up on us and treating us as merely a place to drive through or over. We are the economic powerhouse of this region, and we have immediate needs we have to tend to - first. Stand up for us, stand with us - regardless of pressure coming from the state
- Email
 - **Michael Maurino**, Executive Director of the Westshore Alliance emailed his appreciation to the TPO Board for approving the traffic signal and pedestrian crossings at Boy Scout and Manhattan. He also noted the assistance received from TPO staff, Johnny Wong
 - **Brian Ruscher**, Deputy Director of Multimodal at the Palm Beach TPA sent an email thanking Lisa Silva, of the TPO staff, for a presentation at their VZ workshop that was "spot on and flawless." He went on to say their Board chair and 55 other attendees were very engaged throughout the presentation.
 - **Patrick Pozzi**, emailed his opposition to the proposed MPO merger stating it would take away local decision making power which is what is needed most to have an effective transportation network. He added a consolidation of power would allow roads to be widened that may adversely affect a community. He also noted that TBARTA failed because it did not include local needs.
 - **Rick Fernandez** also submitted an email directed to the TMA on his opposition to the merger. In the email he cites the historic justification of why the MPOs should remain separate but with a cooperative regional planning process; that the failings of TBARTA

should be stated; the co-mingling of funds will not allow a guarantee for projects in Hillsborough County; the MOU language directing the 3 counties investigate a merger gives a predetermined outcome; the term sub-regional indicates that local concerns take a backseat; it is misleading to use the term local representation when it would be a regional board with members not accountable to a large number of voters

- **Voicemail**

- **Dave Coleman** left a voicemail to share his observations after attending a public meeting in Trinity in Pasco County. Besides noting there was not one person of color in attendance, the topic centered around the gentrification and removal of about 10 farmers over the last 20-30 years. In turn, he states, many thousands of people in Hillsborough County have been removed or hurt in some way from gentrification with many more dependent on decisions made by governing boards for transportation, housing, land use that are all Hillsborough specific. He requests that you absolutely vote no to a merger for this obvious reason showing the differences in concerns and issues between the counties.

- **Twitter**

- Responding to a TPO post about Tampa Train Day May 13, **Chris Nunya** wrote, "Since Tampa Union Station is owned by the [@CityofTampa](#) then [@GoBrightline](#) should be allowed to share the building. TUS was designed with multiple platforms in order to host trains from 3 different railway companies."

VII. Consent Agenda *(Timestamp 0:31:54)*

A. Committee Appointments

- TAC – Ana Garzon, as alternate by Department of Health

Motion to approve the Consent Agenda made by Commissioner Cohen, seconded by Councilmember Maniscalco; the voice vote passed unanimously.

VIII. Action Items

A. TIP Amendment: N Tampa St & N Florida Ave Urban Corridor Improvements (Roger Mathie, TPO Staff) *(Timestamp 0:32:10)*

- Review project summary – add design phase funding in FY24 for improvements
- Went over the Heights Mobility Project Interim condition to Final condition
- Went over US41B potential pedestrian features
- Review of financials
- Went over public outreach for the project

Recommended Action: Approve the FY22/23 TIP Amendment: N Tampa St & N Florida Ave Urban Corridor Improvements.

Comparative Report: [Combined Comparative Report 18.pdf](#)

Presentation: [TIP Amendment N Tampa St & N Florida Ave Urban Corridor Improvements](#)

Discussion:

Stormwater improvements are necessary due to flooding. There is a bus stop with no crosswalks. This is a very heavily traveled road, and it is very dangerous. The improvements are much needed and wanted by the residents. Clarification was asked about the wider sidewalks and whether there will be a bike lane. The City of Tampa is putting in a bike lane a couple of blocks west of Tampa; it was asked if cyclists were going to be encouraged to use that. Yes, along with a street to the east. There are going to be additional protected crossings as well.

Councilmember Maniscalco moved to approve the TIP Amendments; seconded by Commissioner Cohen. Roll call vote passed 14 – 0.

B. Unified Planning Work Program Update and Amendment (Amber Simmons, TPO Staff)
(Timestamp 0:41:48)

- Reviewed results from FY23 current ongoing & completed projects
- Went over critical path projects for FY23 & FY24 (required for FY24)
- Looked at other recommended projects
- Proposed projects that the TPO could seek grant funding for: Making I-275 a better neighbor and the Streetcar Feasibility Study
- Went over the FY24 Budget – roll-over funds, grants, and other funding sources
- Went over the Amendment to the UPWP to accommodate project schedule changes and the addition of the EPA Grant

Recommended Action: Approve the UPWP Amendment

[UPWP Task Pages and Proposed Budget Tables](#)

Presentation: [UPWP FY 23 Review & FY 24 Proposed Projects](#)

Councilmember Maniscalco moved to approve the UPWP; seconded by Councilmember Schisler. The voice vote passed unanimously.

C. Community Air Monitoring Project: USF College of Public Health MOU (Amber Simmons, TPO Staff) (Timestamp 0:46:57)

- **Related to the UPWP amendment and the EPC Grant.**
- **Enables the College of Public Health to continue providing scientific and technical expertise on community air monitoring and public engagement among disadvantaged communities and vulnerable populations near the interstates**
- **EPA Grant will fund the work and expansion**

Recommended Action: Approve Memorandum of Understanding

Councilmember Maniscalco moved to approve the USF College of Public Health MOU; seconded by Commissioner Cohen. The voice vote passed unanimously.

D. Annual Certification of Metropolitan Transportation Planning Process (Johnny Wong, TPO Staff)
(Timestamp 0:48:50)

- Review – Federal government evaluates compliance every four years; the last one was in January 2021. Between major reviews, the TPO's planning process must be certified annually

- Went over certification results provided in the May 2023 agenda packet

Recommended Action: Support recertification of the TPO and authorize the TPO Chair to sign the Joint Certification Statement

Commissioner Cohen moved to support the recertification of the TPO and authorize the TPO Chair to sign the Joint Certification Statement; seconded by Councilmember Maniscalco. The voice vote passed unanimously.

E. **Memorandum of Understanding on Creating a Tampa Bay MPO** (Elizabeth Watkins, TPO Staff)
(Timestamp 0:51:59)

- The MOU is to seed feedback on a possible merger
- Went over the Tampa – St. Petersburg, FL Transportation Management Area
- Review of the legislation directive
- Looked at the Pros and Cons
- Went over case studies – Rio Grand Valley, TX Re-Designation (2019), ARC Livable Communities
- Review of MOU Summary – apportionment, governance structure, balancing local and regional needs, funding, outreach, federally required plans and programs, agreements, existing staff
- Recommendation of MOU Modification
- Went over the proposed timeline: 2023 – 2026
- Review of Regional MPO Apportionment Plan and Business Model
- Looked at Outreach plans and methodologies
- Next Steps

Recommendation: Support the working draft MOU for circulation for comment from local governments and the public; strike the “Whereas” clause about Planning Funds (PL) distribution

Discussion:

One of the Cons shown in the presentation is the risk of smaller communities losing influence. With a regional MPO, the voices would be lost. There is the Tampa Bay Regional Council. It was brought up that the Tampa Regional Airport is a great example of how regional planning works and supports all regional areas. It was asked how the TPO is funded. For the most part, by federal grants. In this conversation, it was noted that one of the grants is divided up between all of the MPOs in the state. If there is a merger, the TPO will lose that allocation of funding. The staff costs are fronted by the host agency, The Planning Commission and those funds are from the jurisdictions. It was noted that losing some funds while gaining others may be a wash; it was expressed that the broader costs need to be looked at. A lot of the pressure points are on regional corridors. It was noted that Hillsborough is different from the other counties as there are three incorporated cities along with unincorporated county. A regional merger may be appropriate in future years. The airport is a single point of travel and cannot really compare. It was noted that there is a benefit to being the largest MPO in the state. There are many boards that have unelected officials in Hillsborough County. It was brought up that the focus has been on Tampa for a long time. Pinellas and Pasco have already voted to move forward with the study. It was noted

that the \$350,000 would not be allocated to the regional MPO but there would be 3 allocations for each of the counties in the region. This funding would be determined by the study. One of the biggest pros may be in determining where discretionary funding is distributed. Some of that is the clout of the area requesting the funds. If this area was speaking as a region, there may be additional funding allocated. The study will reveal a lot of information. It was noted that it has to be put into context that Hillsborough County needs to be a part of the study and the discussion. The apportionment plan and representation will be critical to be proportionate with the population. Jurisdictional lines are invisible to the people who live here. The Westshore Interchange took everyone in the region to come together to make it happen. There are examples of regional cooperation that work well. Apportionment is a major part of this challenge; part needs to be where people live and also needs to be where people work. Moving people and not just cars is going to take a larger discussion. The discussion of the big ideas will come from the community and the leaders; should not kill the ideas before they start.

Commissioner Owen moved to approve the MOU, seconded by Councilmember Schisler. The voice vote passed with two NO votes from Councilmember Maniscalco and Board Member Vaughn

IX. STATUS REPORTS

A. US 41/CSX Grade Separation Project Development & Environment Study (Amber Russo, FDOT) *(Timestamp 1:24:02)*

- US 41 and Causeway Blvd.
- Went over the purpose and project need – supporting truck and vehicle traffic, there are no bike lanes
- Initially approved in May 1994 – being reevaluated now
- Review of the project location – approximately 0.6 miles on Causeway and 1.3 miles on US 41
- These are important corridors, industrial and commercial, freight networks, evacuation routes
- Went over typical sections and the proposed typical sections – Causeway will remain four-lane with additional turn lanes; US 41 will remain six-lane with widening additional turn lanes
- Review of stormwater management
- Went over estimated project costs
- Consistent with 2045 LRTP
- Review of project schedule – public hearing will be June 1, 2023

Project Website: [US 41/SR 45/ South 50th Street at CSX Grade Separation Design Change Re-evaluation](#)

Presentation: [440749-1 US 41 at CSX TPO Presentation \(planhillsborough.org\)](#)

Discussion:

It was noted that there once was rail going through downtown Tampa to Staten (Harbour) Island. Port Tampa Bay worked with CSX to have it moved. There have been other manufacturing moved from the downtown area. The project location is where there is a phosphate terminal. This area has become more urbanized. The Port is being pushed more to the south and the east. The Port supports this project to improve congestion and prevent delays along with better freight movement.

Commissioner Cohen moved to receive the report, seconded by Council Member Schisler. The motion passed unanimously.

X. EXECUTIVE DIRECTOR'S REPORT (*Timestamp 1:35:02*)

- A. Reminder: an upcoming survey of Board members regarding Executive Director applicants: please respond between May 22 – June 9. Closing the application process on May 12, 2023. Will report back in June of the shortlist. Interviews will be virtual in July.
- B. TMA Leadership meeting in June, that is when apportionment and budget plans will begin. Will schedule time with each of the local governments to get feedback. Will be back in the fall with further information.
- C. There is a special meeting in June with the TPO, The Planning Commission and the River Board on June 16, 2023 to look at planning. This is a strategic meeting and an opportunity to discuss items about a possible merger.
- D. The next meeting is the public hearing, it will be on the 2nd floor at 6 PM.

XI. OLD & NEW BUSINESS (*Timestamp 1:39:52*)

XII. ADJOURNMENT – The meeting adjourned at 10:34 PM

The recording of this meeting may be viewed on YouTube: [Meeting Recording](#)



Hillsborough TPO
Transportation
Planning Organization

Committee Reports

Livable Roadways Committee (LRC) Meeting on April 19

The LRC heard status reports on:

- US41/CSX Grade Separation Project Development & Environmental Study
- Hillsborough TPO Electric Vehicle Infrastructure Plan
- 2050 Long Range Transportation Plan Initial Steps
- 2050 Plan Needs Assessment for Congestion Management and Crash Mitigation

Bicycle Pedestrian Advisory Committee (BPAC) Meeting on April 26

The BPAC considered and approved a proposal by Tim Horst to draft a “Top Ten Dangerous Locations” list for advocacy and referral to various agencies in Hillsborough County.

Members asked Ben Gordon to solicit three location suggestions from each BPAC member by May 15th for discussion at the next BPAC meeting in May.

The BPAC approved action item:

- ✓ Proposed US Bicycle Route 15
 - Members asked how much local users would use this route and how much it would be promoted.
 - They were informed that the route is for experienced riders and will not be promoted to local users. This may change in the future if facilities are improved.

The BPAC heard status reports on:

- US41/CSX Grade Separation Project Development & Environmental Study
- 2050 Plan Needs Assessment for Congestion Management and Crash Mitigation
- City of Tampa Safe Streets and Roads for All Grant Implementation

Transportation Disadvantaged Coordinating Board (TDCB) Meeting on April 28

The TDCB approved action item:

- ✓ Election of Member At-Large
- ✓ Community Transportation Coordinator Service Rates
- ✓ 2023 Transportation Disadvantaged Service Plan Update

The TDCB heard status reports on:

- Sunshine Line Update
- HART Update

Technical Advisory Committee (TAC) Meeting of May 1

The TAC approved action items:

- ✓ TIP Amendment: N Tampa Street & N Florida Ave Corridor Improvements
 - Members inquired regarding lane widths, users allowed in the Bus only lane, and the timing between the interim condition and final condition.
- ✓ Annual Certification of Metropolitan Transportation Planning Process
- ✓ Unified Planning Work Program Update and Amendment

The TAC heard status reports on:

- US41/CSX Grade Separation Project Development & Environmental Study
 - Members asked about funding (construction currently unfunded), and access to the frontage road for nonmotorized users (crossing opportunities at underpasses and intersections).
- Hillsborough County Truck Route Plan Update and 2050 Freight and Goods

Citizens Advisory Committee (CAC) Meeting of May 3

The CAC was not able to achieve a quorum for its May meeting, as a number of members were traveling. The committee did, however, listen to the following presentations and offered comment on each:

- TIP Amendment: N Tampa Street & N Florida Ave Urban Corridor Improvements

Without a quorum, the committee was unable to take formal action on this item but did conduct a straw poll to identify any objections. Seeing none, the committee inquired whether the funded improvements will be able to accommodate dedicated transit service on the corridor, as well as the status of HART's lane repurposing application. The committee has shown much interest in this project, dating back to the production of the Tampa Height Mobility Plan, and asked for details about lane widths accommodating freight, scope of drainage improvements, ability to preserve bike lanes, and locations of traffic signals. Staff was able to provide the Mobility Plan to help clarify some details of this project.

- Unified Planning Work Program Update and Amendment

A straw poll regarding support for this item also identified no objections. Questions about the UPWP update mostly expressed curiosity about plans for our local government partners more than the UPWP itself. One committee member recognized Amber Simmons, TPO staff, for her success in balancing the agency budget.

- Annual Certification of Metropolitan Transportation Planning Process

There were no objections to this item and TPO staff received praise for its contribution to the planning profession and for notable achievements being recognized by FDOT.

- Draft CAC Resolution Regarding Partner Agency Participation in the Committee Process

Without a quorum and hence, an inability to take action, discussion of this item was limited. Some committee members continued to express frustration that it has been a persistent challenge to recruit staff representatives to attend committee meetings, which contributes to a lack of transparency within the planning process. Committee members indicated they will propose only minor adjustments to the letter during a subsequent meeting.

The committee also received the following two presentations, which are status updates to ongoing plans.

- Hillsborough County Truck Route Plan Update and 2050 Freight and Goods Movement Technical Memo, and
- Draft FY24-28 Transportation Improvement Program Update

The June meeting of the CAC will be extended to 3 hours to allow for sufficient time to review the Transportation Improvement Program. Also, the July meeting will be converted from an optional social meeting to a business meeting with an agenda to discuss details of the Cost and Revenue Needs Assessment.

MOBILITY & ENVIRONMENTAL SECTIONS

Tampa Comprehensive Plan Update



MOBILITY SECTION

planhillsborough.org/tampamobility

The Mobility Section has five main goals: multimodal options; economic vitality; sustainability, resilience and health; equity; and safety. The Section provides an overarching framework for mobility-related City initiatives and aims to improve citizens' ability to get to the places they need to go in an equitable and safe way, regardless of mode choice.

ENVIRONMENTAL SECTION

planhillsborough.org/tampaenvironmental

The Environmental & Sustainability Section will continue to provide a framework for the conservation, use, and protection of natural resources, wetlands, lakes, soil conservation, the Hillsborough River, and the conservation and use of alternative energy. Existing resource maps within the Comprehensive Plan are also being updated.

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SUMMARY OF BILLS OF INTEREST THAT PASSED:

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AFFORDABLE HOUSING (SB 102)

The Law (Chapter 2023-17, L.O.F.), cited as the “Live Local Act,” makes various changes and additions to affordable housing related programs and policies at both the state and local level. The following summary encompasses the full scope of changes.

Much of the Law involves the Florida Housing Finance Corporation (FHFC), a public-private entity that administers the two largest statewide affordable housing programs: the State Apartment Incentive Loan (SAIL) program and the

State Housing Initiatives Partnership (SHIP) program. With regards to funding, the Law:

- Provides appropriations for the SHIP and SAIL programs, including:
 - \$252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program for the 2023-2024 fiscal year.
 - \$109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program for the 2023-2024 fiscal year; and
 - \$100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction; funds unallocated as of December 1, 2023, will be dedicated as additional SAIL funding (effective upon becoming a law).
- Temporarily exempts documentary stamp tax revenues from the General Revenue service charge to provide up to \$150 million in recurring funding to the SAIL program for specified priorities, such as urban infill projects and projects near military installations.
- Establishes the Florida Hometown Hero down payment assistance program for first-time homebuyers with incomes at or below 150 percent of the area median income (AMI) and employed by a Florida-based employer. The bill appropriates \$100 million in non-recurring funds from the General Revenue Fund to implement this program.

Effects on Local Government:

- Preempts local governments' requirements regarding zoning, density, and height to allow for streamlined development of affordable multifamily rental housing in commercial, industrial, and mixed-use zoned areas under "certain circumstances" (see NOTE #1).
- Removes a local government's ability to approve affordable housing on residential parcels by bypassing state and local laws that may otherwise preclude such development, while retaining such right for commercial and industrial parcels.
- Removes provision in current law allowing local governments to impose rent control under certain emergency circumstances, preempting rent control ordinances entirely.

- Requires counties and cities to update and electronically publish the inventory of publicly owned properties which may be appropriate for affordable housing development.
- Authorizes the FHFC, through contract with the Florida Housing Coalition, to provide technical assistance to local governments to facilitate the use or lease of county or municipal property for affordable housing purposes.
- Requires local governments to maintain a public written policy outlining procedures for expediting building permits and development orders for affordable housing projects.

The Law also introduces three ad valorem property tax exemptions, which first apply to the 2024 tax roll:

- An ad valorem tax exemption for land owned by a nonprofit entity that is leased for a minimum of 99 years for the purpose of providing affordable housing.
- An ad valorem tax exemption that applies to rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for households earning 120 percent of the AMI or less.
- Authorizes counties and municipalities to offer, through ordinance, an ad valorem tax exemption to property owners who dedicate units for affordable housing for households earning 60 percent of the AMI or less.

Other Effects on the Florida Housing Finance Corporation:

- Provides up to a \$5,000 refund for sales tax paid on building materials used to construct an affordable housing unit funded through the FHFC.
- Creates a new tax donation program to allow corporate taxpayers to direct certain tax payments to the FHFC, up to \$100 million annually, to fund the SAIL program. Of these funds, up to \$25 million annually can be dedicated to loans for the construction of large-scale projects of significant regional impact.
- Adds two members to the FHFC Board of Directors, one appointed by the leader of each chamber of the Legislature.

- Broadens the ability for the FHFC to invest in affordable housing developments for those in or aging out of foster care.
- Adds a requirement to its annual legislative budget request.

Effects on Other State-Level Resources:

- Revises the State Housing Strategy to align with current best practices and goals.
- Requires managers of state non conservation lands to analyze whether such lands would be more appropriately transferred to a local government for affordable housing related purposes.
- Expands Job Growth Grant Fund eligibility to specifically authorize public infrastructure projects that support affordable housing.
- Increases the amount of tax credits available through the Community Contribution Tax Credit Program for affordable housing from \$14.5 million to \$25 million annually.

These provisions were approved by the Governor and take effect July 1, 2023, except where otherwise provided.

ENFORCEMENT OF SCHOOL BUS PASSING (SB 766)

SB 766 authorizes a school district to install and maintain school bus infraction detection systems. The school district may contract with a private vendor or manufacturer to provide a school bus infraction detection system on each school bus in its fleet. The system uses electronic traffic enforcement technology to record traffic violations when drivers fail to stop for a school bus displaying a stop signal.

To use a school bus infraction detection system, the bill requires:

- The school district to enter an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district.
- The systems meet specifications established by the State Board of Education.
- School districts make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems.
- School buses with such operational systems have high-visibility reflective signage on the rear of the school bus indicating system use.

The bill requires the school district, or a private vendor or manufacturer contracting with a school district, to submit specific information regarding alleged violations to the law enforcement agency authorized to enforce school bus stop signal violations in the school district. The information must be submitted within 30 days after the alleged violation is captured and include a copy of the recorded image showing the motor vehicle; the license plate number and state of issuance; and the date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, the agency must send a notice of violation, within 30 days, by first-class mail to the vehicle's registered owner. The notice must include information detailing how to pay the civil penalty, review the evidence, request a hearing to contest the violation, or submit an affidavit providing a defense of the violation. If the owner does not contest, pay the civil penalty, or submit an affidavit within 30 days after receiving the notice of violation, he or she will be issued a uniform traffic citation.

Under the bill, a violation enforced by a school bus infraction detection system is subject to a \$225 civil penalty. The \$200 civil penalty collected must be provided to the school district in which the violation occurred and must be used to install or maintain school bus infraction detection systems, for the administration and costs associated with enforcement of the violations, or for any other technology that increases the safety of the transportation of students. The additional \$25 collected is distributed to the Department of Health's Emergency Medical Services Trust Fund for payment to trauma centers.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of

violations detected through use of the system. Each school district in consultation with the law enforcement agency with which it has interlocal agreements using the system must report quarterly information to the Department of Highway Safety and Motor Vehicles (DHSMV) beginning October 1, 2023. DHSMV must submit an annual summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives beginning December 31, 2024, providing specified information.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS (HB 657)

HB 657 authorizes counties and municipalities to use speed detection systems, like red light cameras, to enforce school zone speed limits for violations in excess of 10 miles per hour over the applicable speed limit when children are going to or from school and during the entirety of the school day. The bill:

- Defines the term "speed detection system" and requires a county or municipality to enact an ordinance regarding the placement or installation of speed detection systems and to make a determination that the location of such system warrants additional enforcement action.
- Requires signage warning motorists that speed detection systems are in use.
- Requires a public awareness campaign prior to commencing enforcement of school zone speed limits with speed detection systems.
- Requires the governing body of a county or municipality operating one or more school zone speed detection systems to hold public meetings regarding contracts and data reported to the Department of Highway Safety and Motor Vehicles (DHSMV).
- Creates a School Crossing Guard Recruitment and Retention Program using proceeds from penalties resulting from enforcement of school zone speed limits through a speed detection system.
- Requires speed detection systems to be installed according to specifications established by the Department of Transportation.
- Provides requirements for issuing a notice of violation or, if necessary, a uniform

traffic citation.

- Provides for a \$100 penalty for each violation and provides for the distribution of the proceeds to state and local governments.
- Provides defenses for persons who receive a notice of violation or uniform traffic citation.
- Provides that enforcement using a speed detection system supplements enforcement by a law enforcement officer.
- Provides procedures for hearings regarding these violations.
- Provides requirements for the retention and destruction of data obtained from speed detection systems.
- Requires reporting by counties and municipalities that implement speed detection system programs in school zones and requires a summary report by DHSMV.
- Exempts speed detection systems from DHSMV's requirements for radar or LiDAR units, while requiring a speed detection system to perform self-tests as to its detection accuracy.
- Prohibits points from being imposed for a violation of unlawful speed in a school zone enforced by a speed detection system and prohibits such violations from being used for purposes of setting motor vehicle insurance rates.

The bill may have an indeterminate fiscal impact on the state, local governments, and the private sector. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

ENVIRONMENTAL PROTECTION (HB 1379)

HB 1379 recognizes that each state must establish water quality standards for waters within their borders, and the Department of Environmental Protection (DEP) is responsible for establishing water quality standards in Florida. DEP and the Department of Agriculture and Consumer Services manage two of the state's land conservation and preservation programs, the Florida Forever Program and the Rural and Family Lands Protection Program, respectively.

Among other things, the bill:

- Requires any county or municipality with a basin management action plan (BMAP) within its jurisdiction to include within the capital improvement element of its comprehensive plan a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP.
- Prohibits the installation of new onsite sewage treatment and disposal systems (OSTDSs) within a BMAP area adopted under s. 403.067, F.S., a reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available. In addition, on lots of 1 acre or less within such areas where a publicly owned or investor-owned sewerage system is not available, the bill requires the installation of enhanced nutrient-reducing OSTDSs or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction.
- Authorizes DEP to provide grants for projects that reduce the amount of nutrients entering waters that are not attaining nutrient or nutrient-related standards; have an established total maximum daily load (TMDL); or are located within a BMAP area, a reasonable assurance plan area adopted by final order, an accepted alternative restoration plan area, or a rural area of opportunity.

The bill may have an indeterminate fiscal impact on state and local governments and on the private sector. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

FLOODING AND SEA LEVEL RISE (HB 111)

HB 111 recognizes that sea level rise is an observed increase in the average local sea level or global sea level trend. With 1,350 miles of coastline and relatively low elevations, Florida is particularly vulnerable to coastal flooding, and analysts estimate that Florida could lose more than \$300 billion in property value by 2100 due to sea level rise and flooding. The Department of Environmental Protection (DEP) regulates coastal construction to protect Florida's beaches and dunes from imprudent construction that can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures,

endanger adjacent properties, or interfere with public beach access. DEP also implements the Resilient Florida Grant Program, which provides grants to local governments to fund community resilience planning and vulnerability assessments. In 2020, the Legislature passed Senate Bill 178 (Chapter 2020-119, Laws of Florida) which prohibited a public entity from commencing construction of certain state-funded coastal structures unless the entity has conducted a sea level impact projection (SLIP) study to assess risks to the structure. Chapter 2020-119, Laws of Florida, directed DEP to adopt rules to develop a standard by which public entities must conduct the SLIP study and specified requirements. The bill expands the requirement for public entities to conduct a SLIP study before commencing construction of certain state-financed coastal structures to apply the requirement to certain structures that are within any area that is at risk due to sea level rise, not just areas within the coastal building zone. The structures subject to this requirement are any “potentially at-risk structures or infrastructure,” which include certain critical assets or historical or cultural assets that are within an area at risk due to sea level rise.

The bill expands the Resilient Florida Grant Program to provide funding to:

- Municipalities and counties for feasibility studies and permitting costs for nature-based solutions that reduce the impact of flooding and sea level rise; and
- Water management districts to support local government adaptation planning.

The bill may have an indeterminate negative fiscal impact on state government, DEP, and local governments. Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2023.

HART (HB 1397)

HB 1397 recognizes that given Florida’s rapid population growth, the effective coordination of transportation planning and service delivery, particularly regional transportation mobility, is critical to the safe and efficient development, management, operation, and maintenance of public transit systems. The bill provides legislative intent to explore transformative changes to the policy management structure of the Hillsborough Area Regional Transit Authority (HART) to achieve organizational efficiencies with the goal of streamlining decision-

making, improving transparency, and enhancing the effectiveness of local and regional public transit service delivery. The bill requires the Department of Transportation (DOT), or its consultant, to conduct a study reviewing specified aspects of HART's organizational structure and operation and requires DOT to submit a report detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2024.

The bill has an indeterminate fiscal impact on state government and no fiscal impact on local governments or the private sector. Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

LAND USE AND DEVELOPMENT REGULATION (SB 1604)

The Law (Chapter 2023-31, L.O.F.) makes various changes to current law pertaining to local government comprehensive planning, and local regulation of electrical substation siting, among other things.

Comprehensive Planning:

The Law revises local comprehensive planning requirements by increasing the two required planning periods to a 10-year and 20-year period, from 5 and 10, and prohibiting local governments that fail to update their comprehensive plans in accordance with the 7-year evaluation and appraisal process from initiating or adopting any publicly initiated plan amendments. Additionally, the Law prescribes "certain procedures" (see NOTE #2) for the Department of Economic Opportunity to apply when local governments remain out of compliance with comprehensive planning updates.

The Law also removes local governments' ability to require specified "building design elements" for residential dwellings in planned unit developments, and master planned communities (unless approved before July 1, 2023) with a design review board or architectural review board created on or after January 1, 2020. "Building design elements" mean the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms.

Electrical Substations:

“Distribution electrical substation” is defined in current law as an electrical substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

The construction of new “distribution electrical substations” is permitted use in all future land use categories and zoning districts, with certain exceptions. Local governments may adopt reasonable land development regulations for new substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards.

The Law modifies the term “distribution electrical substation” to include accessory administration or maintenance buildings and related accessory uses and structures. It also removes reference to “distribution” and the kilovolt limitation, applying the local regulation limitations to electric substations of all sizes, i.e., distribution and transmission substations. Additionally, the Law makes the electric substation approval process applicable to existing substations, as well as new ones, and removes the ability for local governments to adopt reasonable land development regulations for solar substations.

These provisions were approved by the Governor and take effect July 1, 2023, except as otherwise provided.

LOCAL GOVERNMENT COMPREHENSIVE PLANS (SB 540)

Current law provides a process for an affected person to challenge whether a comprehensive plan or plan amendment complies with the Community Planning Act in Chapter 163, F.S., by petitioning the Division of Administrative Hearings for a formal hearing on the matter. The bill provides that in an administrative challenge to a comprehensive plan or a plan amendment, the prevailing party is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

The bill also clarifies the scope of review for a local government decision to grant or deny a development order by providing that the order may only be challenged if it would materially alter the use, density, or intensity of the property in a manner not consistent with the comprehensive plan. Lastly, the bill provides that land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

LOCAL ORDINANCES (SB 170)

SB 170 pertains to the passage and challenging of local ordinances. It adds to the process for local governments passing ordinances and gives certain additional rights to those challenging local ordinances. The bill requires counties and cities to produce a "business impact estimate" prior to passing an ordinance, with exceptions. The estimate must be published on the local government's website and include certain information, such as the proposed ordinance's purpose, estimated economic impact on businesses, and compliance costs.

Additionally, the bill imposes certain conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable. In these cases, the bill:

- Requires the local government to suspend enforcement of an ordinance of such legal challenge, under certain circumstances.
- Requires the court to give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.
- Provides that a court may award up to \$50,000 in attorney fees to a prevailing plaintiff who successfully challenges an ordinance as arbitrary or unreasonable.

The bill also provides, remedially and effective upon becoming a law, that properly noticed consideration of a proposed ordinance may be continued to a

subsequent meeting under certain circumstances without further publication, mailing, or posted notice.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023, except where otherwise provided.

MPO MERGER (portions of HB 425 and HB 1305)

During the 2023 Legislative Session, two bills related to transportation passed, HB 425 and HB 1305 (approved by the Governor) which included a wide array of issues in addition to MPO topics. The following is a summary of MPO topics.

MPO Designation:

HB 425 revises the provision that allows more than one MPO to be designated for each urbanized area or groups of urbanized areas, in which case each MPO designated for the urbanized area must:

- Consult with every other MPO designated for the area and the state to coordinate plans and transportation improvement programs.
- Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand with the urbanized area.

MPO Powers, Duties, and Responsibilities:

The bill prohibits MPOs from performing production or delivery for capital improvement projects on the State Highway System. The bill requires each MPO in developing its long-range transportation plan and transportation improvement program to:

- Support the economic vitality of the contiguous urbanized metropolitan area;
- Enhance the integration and connectivity of the transportation system, across and between contiguous urbanized metropolitan areas, for people and freight; and
- Improve the resilience of transportation infrastructure.

The bill requires each MPO to prepare a congestion management system for the contiguous urbanized metropolitan area. The bill requires certain MPOs to consider the proportional representation of the area's population when selecting membership of a technical advisory committee and requires that, whenever possible, representatives of intermodal logistics centers be included on the technical advisory committee. The bill removes legislative findings regarding transportation projects crossing from the jurisdiction of one MPO into the jurisdiction of another MPO. The bill provides that multiple MPOs may merge, combine, or otherwise joint together as a single MPO.

Tampa Bay Area MPOs:

HB 425 and HB 1305 repeal the Chairs Coordinating Committee. In its place, the bills require that, by December 31, 2023, the MPOs serving Hillsborough, Pasco, and Pinellas Counties must submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process for consolidation into a single MPO serving the contiguous urbanized area, the goal of which would be to:

- Coordinate transportation projects deemed to be regionally significant.
- Review the impact of regionally significant land use decisions on the region.
- Review all proposed regionally significant transportation projects in the transportation improvement programs.

Long-Range Transportation Plan:

HB 425 requires multiple MPOs within a contiguous urbanized area to coordinate the development of long-range transportation plans to be reviewed by the Metropolitan Planning Organization Advisory Council. The bill also requires multiple MPOs within a contiguous urbanized area to ensure, to the maximum extent possible, consistency in the data used in the planning process.

Transportation Improvement Program:

HB 425 adds ensuring safety to the list of principles to be considered by each MPO when developing a list of project priorities and a transportation improvement program, requires multiple MPOs within a contiguous urbanized area to

coordinate transportation improvement programs, and requires each MPO's transportation improvement program to indicate coordination or alignment with transportation improvement plans of other MPOs within the contiguous urbanized area.

Except as otherwise provided, these provisions are effective July 1, 2023.

NATURAL EMERGENCIES (SB 250)

SB 250 makes various changes throughout Florida Statutes regarding the preparation and response activities of state and local government when natural emergencies impact the state.

Specifically, the bill:

- Prohibits counties and municipalities within 100 miles of Hurricane Ian or Hurricane Nicole landfall from adopting more restrictive or burdensome procedures to their comprehensive plans or land development regulations concerning review, approval, or issuance of a site plan, development permit, or development order before October 1, 2024. Additionally, such counties and municipalities may not propose or adopt a moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Ian or Nicole (effective upon becoming a law).
- Prohibits counties and municipalities within the disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building fees until October 1, 2024 (effective upon becoming a law).
- Prohibits counties and municipalities within the disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building fees until October 1, 2024 (effective upon becoming a law).
- Requires the Division of Emergency Management to post on its website a model debris removal contract for the benefit of local governments (effective upon becoming a law).
- Requires the Division of Emergency Management to prioritize technical assistance and training to fiscally constrained counties on aspects of

preparedness, response, recovery, and mitigation (effective upon becoming a law).

- Encourages local governments to create emergency financial plans in preparation for major natural disasters.
- Allows registered contractors to engage in contracting for the types of work covered by their registration within areas for which a state of emergency has been declared (effective upon becoming a law).
- Extends the date for fire control districts within 50 miles of Hurricane Ian's landfall to submit statutorily required performance reviews.
- Amends the Consultants' Competitive Negotiation Act to allow for additional disaster-related construction projects relating to Hurricane Ian to utilize the "continuing contracts" provision through December 31, 2023 (effective upon becoming a law).
- Makes the Local Government Emergency Bridge Loan Program a revolving program and makes funds available for local governments impacted by federally declared disasters until July 1, 2038. The bill appropriates \$50 million in nonrecurring funds from the General Revenue Fund to the program for the 2023-2024 fiscal year and authorizes \$50 million of funds appropriated in special session to a previous version of the program to be transferred and used for this program.
- Provides clarification regarding the 45-day grace period following a hurricane in which owners must bring a derelict vessel into compliance before being charged with a violation.
- Directs the Division of Emergency Management to administer a revolving loan program for local government hazard mitigation projects and appropriates \$1 million in nonrecurring funds from the General Revenue Fund and \$10 million in nonrecurring funds from the Federal Grants Trust Fund for such activity for the 2023-2024 fiscal year.
- Shields public utilities from liability for damages arising from changes in reliability, continuity, or quality of services stemming from an emergency or disaster.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.

NON-MOTORIZED TRAILS (SB 106)

SB 106 was approved by the Governor as Chapter No. 2023-20. The Law recognizes the Florida Greenways and Trails System (FGTS) is made up of existing planned and conceptual nonmotorized trails and ecological greenways that form an integrated statewide system. The system includes paddling, hiking, biking, multi-use, and equestrian trails. In 2015, the Legislature formally created the Florida Shared-Use Nonmotorized Trail Network (SUN Trail Network) as a component of the FGTS. The SUN Trail Network consists of paved multiuse trails or shared-use paths physically separated from motor vehicle traffic that provide pedestrians and bicyclists opportunities to travel between communities, conservation areas, state parks, and other natural or cultural attractions for a variety of trip purposes. The Florida Department of Transportation (DOT) estimates that the full network will encompass approximately 4,000 miles of trails, with one-third currently open for use. The Law expands the existing SUN Trail Network and enhances coordination of the state's trail system with the Florida Wildlife Corridor (Corridor).

Specifically, the Law:

- Prioritizes the development of “regionally significant trails,” which are defined as trails that cross multiple counties; attract national and international visitors; serve economic and ecotourism development; showcase the state’s wildlife areas, ecology, and natural resources; and serve as main corridors for trail connectedness across the state.
- Enhances the planning, coordination, and marketing of the state’s bicycle and pedestrian trail system and the Corridor.
- Requires trails developed within the Corridor to maximize the use of previously disturbed lands and be compatible with applicable land use provisions.
- Requires DOT to erect uniform signage identifying trails that are part of the SUN Trail Network and to submit a periodic report on the status of the SUN Trail Network.
- Authorizes DOT and local governments to enter into sponsorship agreements for trails and to use associated revenues for maintenance, signage, and related amenities.
- Recognizes “trail town” communities and directs specified entities to promote the use of trails as economic assets, including the promotion of trail-based

tourism.

- Increases recurring funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million to plan, design, and construct the SUN Trail Network. The Law may have an indeterminate fiscal impact on the state and local governments.

The Law will become effective on July 1, 2023.

TAXATION (HB 7063)

Among other things, the Taxation “Package,” HB 7063 requires that the reenactment or increase of a currently levied local tax must appear on the ballot in a general election within the 48 months preceding the effective date of the re-enacted or increased tax, and the question may only appear once during that 48-month period. This provision applies to discretionary sales surtaxes, local option fuel tax, ninth-cent fuel tax, as well as tourist development tax, tourist impact tax, and children’s services tax.

Subject to the Governor’s veto, the effective date is July 1, 2023.

TBARTA (HB 155)

Created in 2007, the Tampa Bay Area Regional Transit Authority covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties. TBARTA currently offers a vanpool service, known as Commute Tampa Bay. It has also conducted various transit planning studies for the Tampa Bay area, including its Envision 2030 plan. On January 20, 2023, TBARTA’s board adopted a plan to wind down and close its operations. The bill repeals Chapter 343, part III, F.S., relating to TBARTA, dissolves TBARTA effective June 30, 2024, and requires TBARTA to provide for the discharge of any liabilities, settle and close its affairs, transfer any pending activities such as its vanpool program, close and appropriately dispense any applicable federal or state funds, provide for the distribution of any remaining assets, notify the Department of Economic Opportunity and each entity

represented on TBARTA's board that it is dissolved, and forward its records to the Department of State. The bill does not appear to have a fiscal impact on state government or the private sector. According to the staff analysis, the bill has an indeterminate fiscal impact on TBARTA's member counties. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

NOTE #1

SB 102 Affordable Housing: "certain circumstances"

166.04151 Affordable housing--

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004.

Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any unincorporated land in the county where residential development is allowed.

(c) A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the board of county commissioners is required if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county's land development code, and the major transit stop is accessible from the development.

(f) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

NOTE #2

SB 1604 Land Use Regulation: “certain procedures”

163.3191 Evaluation and appraisal of comprehensive plan—

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in s. 163.3177(5) or to reflect changes in state requirements in this part since the last update of the comprehensive plan and notify the state land planning agency as to its determination. The notification must include a separate affidavit, signed by the chair of the governing body of the county or the mayor of the municipality, attesting that all elements of its comprehensive plan comply with this subsection. The affidavit must also include a certification that the adopted comprehensive plan contains the minimum planning period of 10 years, as provided in s. 163.3177(5), and must cite the source and date of the population projections used in establishing the 10-year planning period.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government must prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.

(3) Local governments shall comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section must be reviewed pursuant to s. 163.3184(4). Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

(4) If a local government fails to submit the letter and affidavit prescribed by subsection (1) or to transmit the update to its plan pursuant to subsection (3) within 1 year after the date the letter was transmitted to the state land planning agency, it may not initiate or adopt any publicly initiated plan amendments to its comprehensive plan until such time as it complies with this section, unless

otherwise required by general law. This prohibition on plan amendments does not apply to privately initiated plan amendments. The failure of the local government to timely update its plan may not be the basis for the denial of privately initiated comprehensive plan amendments.

(5) If it is determined that a local government has failed to update its comprehensive plan pursuant to this section, the state land planning agency must provide the required population projections that must be used by the local government to update the comprehensive plan. The local government shall initiate an update to its comprehensive plan within 3 months following the receipt of the population projections and must transmit the update within 12 months. If the state land planning agency finds the update is not in compliance, it must establish the timeline to address the deficiencies, not to exceed an additional 12- month period. If the update is challenged by a third party, the local government may seek approval from the state land planning agency to process publicly initiated plan amendments that are necessary to accommodate population growth during the pendency of the litigation. During the update process, the local government may provide alternative population projections based on professionally accepted methodologies, but only if those population projections exceed the population projections provided by the state land planning agency and only if the update is completed within the timeframe set forth in this subsection.

Except as otherwise expressly provided in this act, SB 1604 shall take effect July 1, 2023.